

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BAC HOME LOANS SERVICING, LP,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:11-cv-01049

SUSAN FULWILER, et al.,

Defendants.

REPORT AND RECOMMENDATION

This matter was removed to the Western District of Michigan by defendant Susan Fulwiler (Dkt. 1), who requests that she be allowed to proceed in forma pauperis, without payment of the \$350.00 filing fee. Defendant initially submitted an affidavit of indigence that was not sufficient for the court to determine whether or not she was entitled to proceed in forma pauperis (Dkt. 2). On October 4, 2011 (Dkt. 7), the undersigned directed the Clerk of Court to mail the court's standard affidavit of financial status to defendant Fulwiler and required defendant Fulwiler to submit an affidavit containing enough specificity for a determination of her assets and eligibility within 21 days. Defendant Fulwiler has filed a response that does not include any additional information about her financial status.

As such, it is hereby recommended that defendant Fulwiler's request to proceed in forma pauperis be DENIED, and that she be ordered to pay the \$350.00 filing fee within 28 days or risk having her federal case remanded without prejudice.

Respectfully submitted,

Date: November 4, 2011

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).